

RUSSO, KEANE & TONER, LLP

ATTORNEYS AT LAW
26 BROADWAY
NEW YORK, NEW YORK 10004

(212) 482-0001
FAX (212) 482-0002
WWW.RKTLLAW.COM

THOMAS F. KEANE
ALAN RUSSO
STEPHEN B. TONER **
FERN FLOMENHAFT *
KEVIN G. HORBATIUK
CLAIRE F. RUSH
CHRISTOPHER G. KEANE
DAVID S. GOULD

OF COUNSEL:
SUSAN KEANE
FRANCESCA A. SABBATINO

*ALSO ADMITTED IN NEW JERSEY
*ALSO ADMITTED IN CONNECTICUT
*ALSO ADMITTED IN MASSACHUSETTS
*ALSO ADMITTED IN THE DISTRICT OF COLUMBIA

**USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/21/08**

JOHN J. KOMAR
THERESA VILLANI
DENISE M. BUSH
BRENDA R. HALL
JOSEFINA A. BELMONTE
MICHAEL J. SWEENEY
CHARLENE C. KOW
MARIE A. CASTRONUOVO
MARIE-FABIENNE F. DECASTRO
MATTHEW P. MAZZOLA
LEE-DAVID WEINER
TINA ALTINEL-PROFITA
JOHN A. CORRIG

MEMO ENDORSED

August 18, 2008

Hon. Colleen McMahon
United States District Judge
Daniel Patrick Moynihan
United States Court House
500 Pearl Street, Room 640
New York, New York 10007

8/22/08
Extension Granted
Colleen McMahon

Re: Kilbride v. Merrill Lynch & Co. Inc., et al.
Rkt file no.: 827.009
Index No.: 07 CV 7092

Dear Judge McMahon,

We represent Merrill Lynch Plans in the above referenced matter.

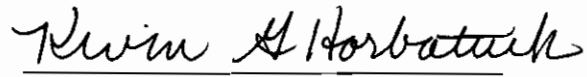
A settlement conference has been rescheduled in this matter from August 12, 2008 to October 2, 2008. Prior to the conference being rescheduled, the Court ordered that the filing deadline for dispositive motions was to be September 5, 2008. Since the settlement conference would therefore be held after the motions were due, we request the dispositive motion filing deadline be extended to November 4, 2008. I have already contacted counsel for all parties and they have agreed to this extension. This is not the first time that an extension for the motion filing deadline has been requested. The last extension request was granted on June 26, 2008 so that the matter could be referred to U.S. Magistrate Judge Ellis for a settlement conference.

· RUSSO, KEANE & TONER

Since the settlement conference was adjourned to October 2, 2008, we request the motion filing deadline be adjourned until after that date.

Respectfully we request this Court to extending the dispositive motion filing deadline from September 5, 2008 to November 4, 2008.

Very truly yours,
RUSSO, KEANE & TONER, LLP


Kevin G. Horbatiuk

cc:

Gary Stone, Esq.
South Brooklyn Legal Services
Attorney for the Plaintiff
105 Court Street, 3rd Floor
Brooklyn New York 11201

Christopher G. Brown, Esq.
Begos, Horgan & Brown, LLP
Attorneys for Defendant
Merrill Lynch Disability Service Center
327 Riverside Avenue
Westport, CT 06880